

PART 1201—FEDERAL ACQUISITION REGULATION SYSTEM

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AUTHORITY: 5 U.S.C. 301; 41 U.S.C. 418(b); 48 CFR 3.1.

SOURCE: 59 FR 40270, Aug. 8, 1994, unless otherwise noted.

Subpart 1201.1—Purpose, Authority, Issuance

1201.101 Purpose.

The Department of Transportation Acquisition Regulation (TAR) establishes uniform acquisition policies and procedures, which implement and supplement the Federal Acquisition Regulation (FAR).

1201.104 Applicability.

(a) Statute, the FAR, and (TAR) 48 CFR chapter 12 apply to all acquisitions within the Department unless otherwise excluded by statute, the FAR or (TAR) 48 CFR chapter 12.

(b) The following order of precedence applies to resolve any acquisition regulation or procedural inconsistency found within (TAR) 48 CFR chapter 12 or the Transportation Acquisition Manual (TAM):

- (1) Statute;
- (2) FAR or other applicable regulation;
- (3) TAR;
- (4) DOT Orders; and
- (5) TAM.

(c) The Maritime Administration may depart from the requirements of the FAR and (TAR) 48 CFR chapter 12 as authorized by 40 U.S.C. 474(16), but shall adhere to those regulations to the maximum extent practicable. Exceptions from the requirements of the FAR and/or TAR shall be documented according to Maritime Administration procedures or in each contract file, as appropriate.

[59 FR 40270, Aug. 8, 1994. Redesignated at 61 FR 50249, Sept. 25, 1996]

1201.105 Issuance.

1201.105-1 Publication and code arrangement.

(a) The TAR is published in: (1) The FEDERAL REGISTER; (2) cumulated form in the CFR; and (3) separate loose-leaf form.

(b) The TAR is issued as chapter 12 of Title 48 of the CFR.

[59 FR 40270, Aug. 8, 1994. Redesignated at 61 FR 50249, Sept. 25, 1996]

1201.105-2 Arrangement of regulations.

(a) *General.* The TAR, which encompasses both Departmentwide and operating administration-unique guidance (see (TAR) 48 CFR 1201.3), conforms with the arrangement and numbering system prescribed by (FAR) 48 CFR 1.104. Guidance which is unique to an operating administration contains the operating administration acronym directly preceding the cite/page number.

1201.105-3

The following acronyms apply when regulatory coverage is written:

FAA—Federal Aviation Administration
FHWA—Federal Highway Administration

FRA—Federal Railroad Administration
FTA—Federal Transit Administration
MARAD—Maritime Administration
NHTSA—National Highway Traffic Safety Administration

RSPA—Research and Special Programs Administration

SLSDC—Saint Lawrence Seaway Development Corporation

TASC—Transportation Administrative Service Center

USCG—United States Coast Guard

(b) *Numbering—(1) Departmentwide guidance.*

(i) The numbering illustrations at (FAR) 48 CFR 1.105-2 apply to the TAR.

(ii) Coverage within (TAR) 48 CFR chapter 12 is identified by the prefix “12” followed by the complete FAR cite which may be down to the subparagraph level (e.g., (TAR) 48 CFR 1201.201-1).

(iii) Coverage in this chapter 12 that supplements the FAR will use part, subpart, section and subsection numbers ending in “70” through “89”. A series of numbers beginning with “70” is used for provisions and clauses (e.g., (TAR) 48 CFR 1201.301-70).

(iv) Coverage in (TAR) 48 CFR chapter 12, other than that identified with a “70” or higher number, that implements the FAR uses the identical number sequence and caption of the FAR segment being implemented which may be down to the subparagraph level. Subparagraph numbers/letters may not be shown as sequential, but may be shown by the specific paragraph/subparagraph implemented from the FAR (e.g., (TAR) 48 CFR 1201.201-1 contains subparagraphs (b) and (d) because only these subparagraphs, correlating to FAR, are being supplemented by (TAR) 48 CFR chapter 12).

(2) *Operating administration-unique guidance.* Supplementary material for which there is no counterpart in the FAR or TAR shall be identified using chapter, part, subpart, section, or subsection numbers of “90” and up (e.g., the U.S. Coast Guard’s acronym is “USCG”; a USCG-unique clause pertaining to

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“Inspection and/or Acceptance” would be designated “USCG 1252.246-90”).

(c) *References and citations.* (TAR) 48 CFR chapter 12 may be referred to as the Department of Transportation Acquisition Regulation or the TAR. Cross references to the FAR in (TAR) 48 CFR chapter 12 will be cited by “FAR” followed by the FAR numbered cite, and cross reference to the TAM in (TAR) 48 CFR chapter 12 will be cited by “TAM” followed by the TAM numbered cite. References to specific cites within (TAR) 48 CFR chapter 12 will be by the numbered cite only.

[59 FR 40270, Aug. 8, 1994. Redesignated at 61 FR 50249, Sept. 25, 1996, as amended at 62 FR 67750, Dec. 30, 1997]

1201.105-3 Copies.

(a) Copies of the TAR in FEDERAL REGISTER, loose-leaf, and CFR form may be purchased from the Superintendent of Documents, Government Printing Office, Washington, DC, 20402.

(b) The (TAR) 48 CFR chapter 12 and Transportation Acquisition Circulars (TACs) are available on the internet. See part 1202, appendix A, for the internet address.

[59 FR 40270, Aug. 8, 1994. Redesignated at 61 FR 50248, Sept. 25, 1996, as amended at 62 FR 67750, Dec. 30, 1997]

1201.106 OMB Approval under the Paperwork Reduction Act.

(a) *Data collection by regulation.* The information collection and record-keeping requirements contained in (TAR) 48 CFR chapter 12 have been approved by the Office of Management and Budget (OMB). The OMB Control Number for the collection of the information under 48 CFR chapter 12 is 2105-0517 which expires on May 31, 2000.

(b) *Data collection under proposed contracts.* Under the regulations implementing the requirements of the Paperwork Reduction Act (5 CFR part 1320), OMB must approve, prior to obligation of funds, proposed contracts which require the collection of information from ten or more non-Federal persons or entities. Solicitations containing this type of information collection may be released prior to OMB approval provided:

(1) A statement is included in the solicitation to the effect that contract